

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Richard Di Donato, Individually and On
Behalf of all Others Similarly Situated,

Plaintiff,

v.

Insys Therapeutics, Inc.; et al.,

Defendants.

No. CV-16-00302-PHX-NVW

ORDER

Before the Court is Plaintiff's Motion for Preliminary Approval of Settlement with Defendant Baker. (Doc. 341.) The Motion omits information necessary or helpful to whether to grant preliminary or final approval, including:

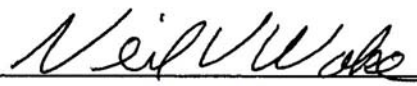
1. The quantum of class damages is not stated or even estimated, even if disputed between the parties.
2. The quantum of recovery to the class as a whole and as a proportion of claimed damages per shareholder is not stated, only the recovery per share if all class members apply.
3. The source of funding of the \$2,000,000 settlement amount is not stated. Is it from Defendant Baker's personal resources? Is it partly or entirely from insurance resources? If from insurance resources, what are the nature and amounts of such policies and coverages? What are the limits in coverage amounts of each insurance source? How much of the total available insurance

1 coverage would be expended to fund the Settlement? What insurance coverage
2 would remain for the benefit of the non-settling defendants?

3 These data are surely within the knowledge or estimate of the parties and should
4 have been stated in the Motion and in the proposed class disclosure.

5 IT IS THEREFORE ORDERED that the settling parties file by June 9, 2020, a
6 Supplement to Plaintiff's Motion for Preliminary Approval of Settlement with Defendant
7 Baker (Doc. 341) giving the foregoing information.

8 Dated: May 26, 2020.

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11 Neil V. Wake
12 Senior United States District Judge
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